

**TOWN OF DAVIE
TOWN COUNCIL AGENDA REPORT**

TO: Mayor and Councilmembers

FROM/PHONE: Mark A. Kutney, AICP, Development Services Director/(797-1101)
Prepared by: Bradley Swing, AICP, Planner II

SUBJECT: Ordinance 1st Reading/Quasi-judicial, ZB 2-1-03 Town of Davie, 8100 Stirling Road/Generally located on the southeast corner of University Drive and Stirling Road.

AFFECTED DISTRICT: District 1

TITLE OF AGENDA ITEM: AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING REZONING PETITION ZB 2-1-03, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM A-1 (COUNTY), AGRICULTURAL DISTRICT TO B-3, PLANNED BUSINESS CENTER DISTRICT; AMENDING THE TOWN ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

REPORT IN BRIEF: The Town of Davie has requested to rezone the 20.89 acre (909,968.4 square foot) subject site from A-1 (County), Agricultural District to B-3, Planned Business Center District. This request will allow the development of the subject site in accordance with the development standards of the Town's B-3 district. The requested B-3 District for the subject site is consistent with the intent and policies of the Land Development Code and Comprehensive Plan. Staff notes that because this request is a Town initiated rezoning, the requirement for compliance with Section 12-34(AA) of the Land Development Code, which requires unified control of development and a conceptual master plan will be waived.

PREVIOUS ACTIONS: None

CONCURRENCES: The Planning and Zoning Board made a recommendation to deny at its February 26, 2003 meeting (Motion carried 5-0).

FISCAL IMPACT: None

RECOMMENDATION(S): Staff finds the subject application complete and suitable for transmittal to Town Council for further consideration.

Attachment(s): Ordinance, Planning Report, Land Use Map, Subject Site, Zoning and Aerial Map, Legal Description

ORDINANCE _____

AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING REZONING PETITION ZB 2-1-03, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM A-1 (COUNTY), AGRICULTURAL DISTRICT TO B-3, PLANNED BUSINESS CENTER DISTRICT; AMENDING THE TOWN ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town Council of the Town of Davie authorized the publication of a notice of a public hearing as required by law, that the classification of certain lands within the Town be changed from A-1 (County), Agricultural District to B-3, Planned Business Center District; and

WHEREAS, said notice was given and publication made as required by law, and a public hearing there under was held on the date of the adoption of this ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF DAVIE, FLORIDA.

SECTION 1. That the property herein after described be and the same is hereby rezoned and changed from A-1 (County), Agricultural District to B-3, Planned Business Center District:

a. The subject property is described in Exhibit "A", which is attached hereto and made a part hereof.

SECTION 2. That the zoning map heretofore adopted by the Town Council be and the same is hereby amended to show the property described in Section 1, herein, as B-3, Planned Business Center District.

SECTION 3. All Ordinances or parts of Ordinances in conflict herewith are to the extent of such conflict hereby repealed.

SECTION 4. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is, for any reason, held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portion of this Ordinance.

SECTION 5. This ordinance shall take effect immediately upon its passage and adoption.

PASSED ON FIRST READING THIS _____ DAY OF _____, 2003

PASSED ON SECOND READING THIS _____ DAY OF _____, 2003

MAYOR/COUNCILMEMBER

ATTEST:

TOWN CLERK

APPROVED THIS _____ DAY OF _____, 2003

TOWN OF DAVIE
Development Services Department
Planning and Zoning Division Staff
Report and Recommendation

APPLICANT INFORMATION

<u>Agent:</u>		<u>Owner:</u>	
Name:	Town of Davie		Waldrep Enterprises
Address:	6591 Orange Drive		8050 NW 30 Street
City:	Davie, FL 33314		Hollywood, FL 33024-8601
Phone:	(954)797-1035		

BACKGROUND INFORMATION

Date of Notification: February 19, 2003 **Number of Notifications:** 49

Application Request: Rezone the 909,968.4 square foot (20.89 acres) subject site **FROM:** A-1 (County) Agricultural District; **TO:** B-3, Planned Business Center District

Address/Location: 8100 Stirling Road/Generally located on the southeast corner of University Drive and Stirling Road

Future Land Use Plan Designation: Commercial

Zoning: A-1 (County) Agricultural District

Proposed Zoning: B-3, Planned Business Center District

Existing Use: Undeveloped 2 Billboards (Legal non-conforming)

Proposed Use: Commercial uses

Parcel Size: 20.89 acres (909,968.4 square feet)

	<u>Surrounding Uses:</u>	<u>Surrounding Land Use Plan Designation:</u>
North:	Stirling Road, Commercial, Undeveloped	Commercial, Commerce/Office
South:	University Drive, Undeveloped	Residential (1 DU/ AC), E, Estate, (Unincorporated Broward County)
East:	Residential, Canal, Office and Commercial	Residential (1 DU/ AC), Commercial
West:	University Drive, Undeveloped	E, Estate, (Unincorporated Broward County)

Surrounding Zoning:

North: CC, Commerce Center; B-2, Community Business Center
South: A-1, Agricultural District; Unincorporated Broward County
East: CF, Community Facilities; A-1, Agricultural District; R-5 & RM-5, Low Medium Dwelling; B-2, Community Business
West: Unincorporated Broward County

ZONING HISTORY

Related Zoning History: None

Previous Requests on same property: On February 6, 2002, Town Council approved LA(TXT) MAP 01-2A to amend the Comprehensive Plan to include the subject site, recently identified as being within the Town's boundaries, on the Future Land Use Map as Commercial.

APPLICATION DETAILS

The Town of Davie has requested to rezone the 909,968.4 square foot (20.89 acres) subject site A-1 (County) Agricultural District to B-3, Planned Business Center District in order to provide the parcel with a Town of Davie zoning district.

Applicable Codes and Ordinances

Section 12-307 of the Land Development Code, review for rezonings.

Section 12-34(AA) of the Land Development Code, which requires unified control of development and a conceptual master plan for development of land within the B-3, Planned Business Center District.

Section 12-54 of the Land Development Code, which establishes standards to regulate the maximum intensities permitted in the Planned Business Center District.

Section 12-55 of the Land Development Code, Scale of Nonresidential Development, which is intended to govern the size and scope of development within the Planned Business Center District.

Comprehensive Plan Considerations

Planning Area: The subject property falls within Planning Area 11. This Planning Area is bound by Stirling Road on the north, Davie Road Extension on the southeast, and University Drive on the west. The area is characterized by multi-family residential development on the south side of Stirling Road, ranging from 8 to 16 dwellings per acre.

Broward County Land Use Plan: The subject site falls within Flexibility Zone 102. The Broward County Land Use Plan has identified this parcel of land as "Commercial".

Applicable Goals, Objectives & Policies:

Future Land Use Element, Policy 7-1: The Town shall endeavor to expand its economic base through expansion of the commercial sector of its economy.

Future Land Use Element, Policy 7-3: Zoning regulations shall provide for varying intensities of commercial development, and direct application of appropriate districts where compatible with adjacent surrounding residential uses.

Future Land Use Element, Policy 7-4: Commercial land uses shall generally be located with access to primary transportation facilities including interstates, highways and arterials. Commercial uses located on arterials not designated by the Future Land Use Plan Map as commercial corridors should be limited to the intersection of two arterials or arterials and interstates. Consistent with Policy 7-1, vacant land with such access shall be evaluated for potential commercial uses.

Future Land Use Element, Policy 17-1: Lands designated for non-residential use shall be located in a manner which facilitates development, but does not adversely impact existing and designated residential areas.

Future Land Use Element, Policy 17-2: No property within the Town shall be rezoned to a zoning district that is not in compliance with the Davie Future Land Use Plan.

Staff Analysis

This request is to rezone the subject site from A-1 (County) to the Town of Davie's B-3, Planned Business Center District. As noted, the subject site was recently recognized as being within the Town of Davie and was included in the Town's boundaries through an amendment to the Future Land Use Plan Map (LA(TXT) MAP 01-2A).

The Town of Davie Future Land Use Plan Map designates the subject parcel "Commercial" and the requested B-3 District allows for the site to be classified with a commercial zoning district which is intended to implement the commercial designation of the Town's Comprehensive Plan by providing for a business area to meet the shopping and service needs of large sections of the town or metropolitan areas. Such businesses generally require considerable ground area, do not cater directly to pedestrians, and need a conspicuous and accessible location convenient for motorists.

The location of the subject site is consistent with the intent of the location policies of the B-3 District as it is in a conspicuous, easily accessible location at the intersection of two major arterial roadways; University Drive and Stirling Road. The site occupies approximately 21 acres and will cater primarily to automobile traffic. This site will serve the regional shopping and service needs of the area.

The subject site is located at the southeast corner of University Drive and Stirling Road. Development in the vicinity of the site is a mix of commercial and office uses with residential uses located to the east. Undeveloped land (unincorporated Broward County) is located south

and west of the subject site. The site will have direct access onto two major roadways and will not impact the adjacent residential neighborhood.

Staff notes that because this request is a Town initiated rezoning, the requirement for compliance with Section 12-34(AA) of the Land Development Code, which requires unified control of development and a conceptual master plan for development of land within the B-3, Planned Business Center District will be waived.

Findings of Fact

Rezoning:

Section 12-307(A)(1):

The following findings of facts apply to the rezoning request:

- (a) The proposed change **is not** contrary to the adopted comprehensive plan, as amended, or any element or portion thereof;

The Future Land Use Plan Map designates the parcel as "Commercial". The B-3 zoning district is consistent with the land use plan "Commercial" classification.

- (b) The proposed change **will not** create an isolated zoning district unrelated and incompatible with adjacent and nearby districts;

B-2, Community Business and CC, Commerce Center zoning districts are located to the north of the subject site and B-2 is also located to the east of the site across the CBWCD canal. The B-3, Planned Business Center District is intended to provide for business uses within areas designated for commercial land use and with a conspicuous and accessible location convenient for motorists. This site is located adjacent to major transportation corridors.

- (c) Existing zoning district boundaries **are** illogically drawn in relation to existing conditions on the property proposed for change;

The existing A-1 (County) classification is the original zoning of the property. This zoning district is not a Town of Davie zoning district and will not provide for the development of the property consistent with the intent of the Town of Davie Comprehensive Plan and Land Development Code.

- (d) The proposed change **is not anticipated to** adversely affect living conditions in the neighborhood;

Development of this parcel as a B-3 District will not have adverse impacts on the existing residential neighborhood located east of the subject site. The existing residential development to the east is buffered from future development of the subject site by a Central Broward Water Management District canal. In addition, the future development of the subject site will be oriented towards the University Drive commercial corridor and away from the existing residential development to the east. The B-3 District will allow this site to be developed subject to the requirements of the Town of Davie Land Development Code.

- (e) The proposed change **will not** create or excessively increase automobile and vehicular traffic congestion above that which would be anticipated with permitted intensities or densities of the underlying land use plan designation, or otherwise affect public safety;

The traffic generated by commercial development of the site is what the Future Land Use Plan Map anticipated. Broward County anticipates future traffic counts based on an analysis of the Future Land Use Plan Map. Prior to County approval of plats, if the proposed use poses negative traffic impacts, the developer is required to provide measures to mitigate anticipated impacts.

- (f) The proposed change **will not** adversely affect other property values;

Surrounding property values will not be adversely impacted by development of this vacant site. In addition, the subject site is located adjacent to two major transportation corridors; University Drive to the west, and Stirling Road to the north. The regional scale of commercial development called for in the B-3 District will provide for commercial development that is compatible with the existing commercial development to the northwest and southeast and rezoning to the Town of Davie B-3 District will allow development of the site consistent with the Town of Davie Land Development Code.

- (g) The proposed change **will not** be a deterrent to the improvement or development of other property in accord with existing regulations;

Rezoning the subject site will not deter development or improvement of adjacent parcels. There are single family homes to the east, and transportation corridors and vacant land to the north, south and west. The vacant property to the north zoned Commerce Center will support office, research, business and light industrial development which is consistent with the intent of the proposed B-3 District. The vacant land to the west and south is in unincorporated Broward County

- (h) The proposed change **does not** constitute a grant of special privilege to an individual owner as contrasted with the welfare of the general public;

The proposed rezoning of the site to B-3 will help promote development of the site which will provide employment opportunities and generate tax revenues which is in the public interest and general welfare of the Town of Davie.

- (i) There **are** substantial reasons why the property cannot be used in accord with existing zoning.

The existing zoning of the subject site is not a Town of Davie zoning district, therefore development of the site using the existing county zoning district would not allow the site to be developed according to the Town's Land Development Code.

(j) The proposed zoning designation **is** the most appropriate designation to enhance the Town's tax base given the site location relative to the pattern of land use designations established on the future land use plan map, appropriate land use planning practice, and comprehensive plan policies directing land use location.

Development of the site will ultimately enhance the Town's tax base. The proposed zoning is consistent with the Town of Davie Future Land Use Plan Map designation of commercial for the subject site and is also consistent with the Town's Comprehensive Plan by providing commercial uses adjacent to major arterial roadways.

Staff Recommendation

Staff finds the subject application complete and suitable for transmittal to the Planning and Zoning Board and Town Council for further consideration.

Planning and Zoning Board

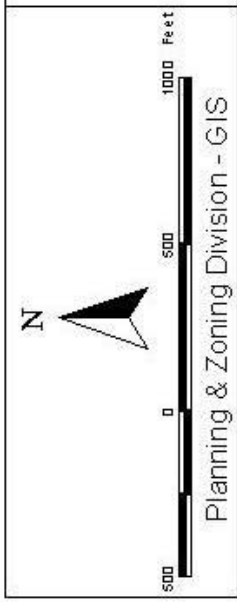
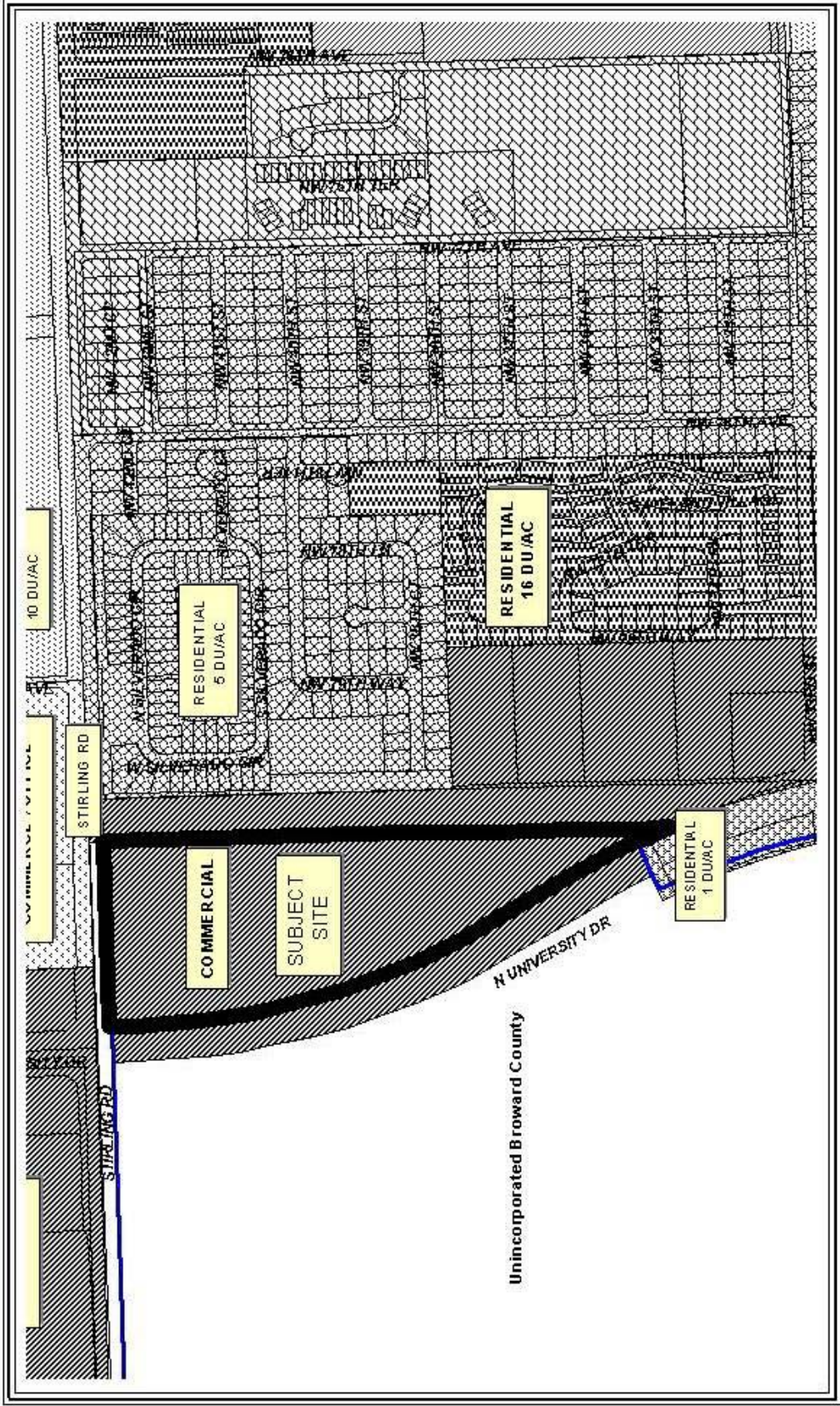
PLANNING AND ZONING BOARD RECOMMENDATIONS: On February 26, 2003, Mr. Waitkus made a motion, seconded by Ms. Turin, to deny with the recommendation of rezoning to the least intensive commercial zoning to retain more control over the uses as there was not a conceptual site plan presented with this B-3 rezoning request. **(Motion carried 5-0)**

Prepared by: _____

Reviewed by: _____

Exhibits

1. Future Land Use Map
2. Subject Site, Zoning and Aerial Map
3. Legal Description



REZONING
ZB 2-1-03
Future Land Use Map
Date Prepared: 2/5/03
Prepared By: ILD



Date Flown:
12/31/00



Planning & Zoning Division - GIS



REZONING ZB 2-1-03 Zoning and Aerial Map

Date Prepared: 2/5/03
Prepared By: ILD

EXHIBIT A

LEGAL DESCRIPTION:

A PORTION OF TRACTS 1, 2, 3, 4, 29, 30 AND 31 IN SECTION 4, TOWNSHIP 51 SOUTH, RANGE 41 EAST, OF THE "EVERGLADES SUGAR AND LAND CO. SUBDIVISION" AS RECORDED IN PLAT BOOK 2 PAGE 75 OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA; SAID PORTION BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF SAID SECTION 4; THENCE, ALONG THE NORTH LINE OF THE NORTHEAST ONE-QUARTER (N.E. 1/4) OF SAID SECTION, SOUTH 87°46'51" WEST (BEARING BASIS) 150.01 FEET TO A LINE PARALLEL WITH AND 150.00 FEET WEST OF THE EAST LINE OF THE NORTHEAST ONE-QUARTER (N.E. 1/4) OF SAID SECTION; THENCE, ALONG SAID PARALLEL LINE AND ALONG THE WEST LINE OF THE 150 FOOT RESERVATION SHOWN ON SAID PLAT, SOUTH 01°26'34" EAST 50.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE ALONG SAID PARALLEL LINE AND THE WEST LINE OF SAID RESERVATION, SOUTH 01°26'34" EAST 2047.28 FEET TO A POINT ON A 2997.05 FOOT RADIUS NON-TANGENT CURVE CONCAVE TO THE SOUTHWEST WHOSE RADIUS POINT BEARS SOUTH 66°23'05" WEST, SAID POINT LYING ON THE EASTERLY RIGHT-OF-WAY LINE OF UNIVERSITY DRIVE AS RECORDED IN RIGHT-OF-WAY MAP BOOK 12 PAGE 39 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, AND AS MONUMENTED; THE FOLLOWING THREE (3) COURSES RUN ALONG SAID EASTERLY RIGHT-OF-WAY LINE; (1) NORTHWESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 08°19'29" AN ARC DISTANCE OF 435.45 FEET TO A POINT OF TANGENCY; (2) NORTH 31°56'23" WEST 203.32 FEET TO A POINT OF CURVATURE OF A 2804.79 FOOT RADIUS CURVE CONCAVE TO THE EAST; (3) NORTHERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 30°30'01" AN ARC DISTANCE OF 1493.08 FEET TO A POINT OF COMPOUND CURVATURE OF A 50.00 FOOT RADIUS CURVE CONCAVE TO THE SOUTHEAST; THENCE NORTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 89°13'13" AN ARC DISTANCE OF 77.86 FEET TO A POINT OF TANGENCY ON A LINE PARALLEL WITH AND 50.00 FEET SOUTH OF THE NORTH LINE OF THE NORTHEAST ONE-QUARTER (N.E. 1/4) OF SAID SECTION; THENCE, ALONG SAID PARALLEL LINE, NORTH 87°46'51" EAST 634.95 FEET TO THE POINT OF BEGINNING.

SAID LANDS SITUATE, LYING, AND BEING IN BROWARD COUNTY, FLORIDA AND CONTAINING 909,925 SQUARE FEET (20.889 ACRES) MORE OR LESS.